THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.571 OF 2006

DATED: 16TH FEBRUARY, 2006.

Between :

P. Sankar Manikya Reddy .. Petitioner

And

1. The District Collector, Kurnool,

and 2others. .. Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.571 OF 2006

ORDER:

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This writ petition is filed seeking a declaration that the inaction on the part of the respondents in implementing the order of the 2nd respondent – Revenue Divisional Officer dated 8-3-2004 whereunder the petitioner was appointed as temporary dealer of the fair price shop of Kondapuram village as arbitrary and illegal.

I have heard the learned Counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing for the respondents.

The material on record shows that by proceedings of the 1st respondent - District Collector, Kurnool, dated 22-2-2004 the fair price shop in Kondapuram village of C.Belgal Mandal was bifurcated and a new shop was created. Pending appointment of a permanent dealer by notifying the vacancy, the 2nd respondent – Revenue Divisional Officer by order dated 8-3-2004 appointed the writ petitioner as temporary dealer until further orders. In the said order, the 3rd respondent – Mandal Revenue Officer, C. Belgal Mandal, Kurnool District was also requested to allot essential commodities to the writ petitioner dividing the cards / coupons existing in the village by equal cards for each fair price shop. However, since the elections intervened, the District Supply Officer, Kurnool, vide proceedings dated 10-3-2004 directed to keep in abeyance the appointment of new dealers and consequently the order dated 8-3-2004 could not be implemented.

Subsequently, the 2nd respondent – Revenue Divisional Officer by letter dated 13-12-2005 sought certain clarifications from the Collector (C.S.), Kurnool for implementation of the appointment of the petitioner as temporary dealer stating that since the elections were over, there cannot be any impediment for implementing the orders dated 8-3-2004 .

The grievance of the petitioner in this writ petition is that in spite of the above said proceedings, the respondents failed to implement the order of his appointment and

the essential commodities have not been released so far.

Though no counter-affidavit has been filed on behalf of the respondents, the learned Government Pleader, under instructions, states that the 2nd respondent – Revenue Divisional Officer by letter dated 13-12-2005 while submitting a detailed report sought for the instruction of the Joint Collector and the orders are still awaited.

Having regard to the facts and circumstances and since admittedly as on today no permanent appointment has been made to the newly created shop, the Writ Petition is disposed of with a direction to the respondents 2 and 3 to take the necessary steps expeditiously in terms of the order of the 2nd respondent dated 8-3-2004 so as to release the essential commodities to the petitioner from the month of March, 2006 onwards.

The Writ Petition is accordingly disposed of. No costs.

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G. ROHINI, J.

Dt. 16-02-2006.

NOTE:- CC in 2 days.

(B/O)

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